

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION

Applicant(s): BRUCE S. MARKS

Serial No: 09/778,325 Group Art Unit: 1774

Filed: February 7, 2001 Examiner: Lawrence Ferguson

Att. Docket No.: A1019/20268 Confirmation No.: 4861

For: METALLIZABLE WHITE OPAQUE FILMS, METALLIZED FILMS MADE THEREFORM AND LABELS MADE FROM THE METALLIZABLE FILMS

RESPONSE TO ADVISORY ACTIONCommissioner for Patents
Facsimile (703) 872-9523

Sir:

This is responsive to the Advisory Action mailed from the United States Patent and Trademark Office on November 1, 2004, and also confirms a follow-up telephone conference with Examiner Ferguson on November 8, 2004, relating to that Action.

In the Advisory Action Mr. Ferguson's supervisor, Ms. Rena Dye, stated that the Amendment mailed to the PTO on September 30, 2004, raised new issues that would require further consideration, and also stated that the proposed Amendment would not be entered for purposes of Appeal. The Advisory Action incorrectly stated that the Amendment filed by Applicant on September 30, 2004, was in response to a Final Office Action.

The Amendment filed by Applicant on September 30, 2004, and apparently received in the USPTO on October 4, 2004, was in response to a non-Final Office Action, and therefore should have been entered and acted upon.

In the above-identified telephone conference with Examiner Ferguson on November 8, 2004, Mr. Ferguson confirmed that the Amendment filed by Applicant was in response to a non-final Office Action, and stated that an Office Action on the merits would follow shortly.